Judge Marc L. Barreca

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: ADAM GROSSMAN, Debtor.	CHAPTER 7 CASE NO. 10-19817 ORDER CONFIRMING THAT REAL PROPERTY IS PROPERTY OF THE ESTATE

THIS MATTER came before the Court upon the Trustee's Motion for Order Confirming That Real Property is Property of the Estate; and Notice of Hearing (Docket No. 514, hereinafter the, "Motion'). The Court considered the Motion, the Declaration of Trustee's Attorney in Support of Motion for Order Confirming That Real Property Is Property of the Estate with exhibits (Docket No. 514-1), the response to the Motion filed by Peter Zieve (Docket No. 524, hereinafter the, "Zieve Response"), the response to the Motion filed by Stephen J. LeBlanc (Docket No. 525, hereinafter the "LeBlanc Response"), the Trustee's reply to the Zieve Response and the LeBlanc Response (Docket No. 541), the Stipulation and Agreed Order Regarding Trustee's Objection to Claim No. 17-1 of Jill Borodin

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approved by the Court (Docket No. 544, hereinafter the “Stipulation/Order”) in which the Debtor’s ex-spouse, Ms. Jill Borodin stipulated, among other things, that she shall not oppose entry of any order confirming that the real property located at 868 Montcrest Drive, Redding, California (hereinafter the, “Montcrest Property”) is property of the bankruptcy estate, the Trustee’s pending adversary proceeding for avoidance of transfers related to the Montcrest Property and other real property ((Adv. Pro. #11-01954, hereinafter, the “Action”) and the pleadings and records in the above entitled case. The Court finds as follows: (a) that proper notice of the Motion was given; (b) that the objections to the Motion contained in the Zieve Response and the LeBlanc Response should be overruled and denied; (c) that the Montcrest Property is property of the marital community of the Debtor and Ms. Borodin; (d) that Ms. Borodin did not object to the Motion; (e) that in the Stipulation/Order Ms. Borodin, among other things, withdrew her claim to ownership of the Montcrest Property for all purposes in any and all proceedings in the above-entitled bankruptcy case, confirmed that she does not oppose the relief sought in the Motion and agreed to fully cooperate with the sale of the Montcrest Property; (f) that all right, interest and/or title in or to property of the Debtor’s marital community existing as of the date of filing (including but not limited to the Montcrest Property) constitutes property of the bankruptcy estate irrespective of any order of the State Court entered in the dissolution proceedings of the Debtor and Ms. Borodin that might be construed otherwise; (g) that the Montcrest Property should be confirmed as property of the bankruptcy estate subject to entry of judgment in the Action for the Trustee avoiding any relevant liens or interests pertaining to the Montcrest Property that may not yet have been avoided and confirming that title to said real property has re-vested in the bankruptcy estate; (h) that subject to entry in the Action of the aforementioned judgment, the Montcrest Property is property of the bankruptcy estate pursuant to 11 U.S.C. §541(a) and other applicable law; (i) that the order which the Court entered on May 16, 2011 (Docket No. 163, hereinafter, the “May 16th Order”) that authorized the Trustee to

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employ Rob Middleton and the House of Realty, Inc. (collectively, “Middleton”) as his real estate agents should be amended to authorize the Trustee to employ Middleton to list and sell the Montcrest Property; (j) that the Trustee should be authorized to execute any agreements, instruments or any other documents which he deems, in his sole discretion, necessary to carry out this order; and (k) that the Motion should be granted on the terms set forth herein. NOW, THEREFORE,

IT IS HEREBY ORDERED as follows:

1. The objections contained in the Zieve Response and the LeBlanc Response are overruled and denied.

2. The Motion is granted on the terms forth herein.

3. The Montcrest Property is property of the bankruptcy estate in the above-entitled case subject to entry of judgment in the Action for the Trustee avoiding any relevant liens or interests pertaining to the Montcrest Property that may not yet have been avoided and confirming that title to said real property has re-vested in the bankruptcy estate. This order may be amended or supplemented by further order to effectuate the purposes of this paragraph and/or the judgment referenced therein.

4. The May 16th Order is amended to allow the Trustee to employ Middleton to list and sell the Montcrest Property. Such employment shall be on the same terms and conditions identified in the ex parte motion for employment of Middleton (providing for a commission of 6% of the gross sale price) granted pursuant to the May 16th Order with all of Middleton’s compensation subject to Court order upon notice to creditors and hearing.

5. The Trustee is authorized to execute any agreements, instruments or any other documents which he deems, in his sole discretion, necessary to carry out this order.

///END OF ORDER///

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Presented by:

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